

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Jonathan Perez,  
Petitioner,  
v.

## MEMORANDUM ENDORSED

Case No.: 16-CR-656-GHW  
1:19-CV-9129-GHW

United States of America,  
Respondent.

**MOTION TO COMPEL THE GOVERNMENT TO PROVIDE  
PETITIONER WITH THEIR RESPONSE TO HIS 28 U.S.C. 2255 MOTION  
AND FOR A 30 DAY EXTENSION OF TIME IN WHICH  
TO RESPOND TO THE GOVERNMENT'S MOTION IN OPPOSITION**

Petitioner, Jonathan Perez, acting pro se, respectfully moves this Court for an order to compel the Government to provide him with a copy of the Government's response to his pending 28 U.S.C. Section 2255 motion, which as of this date, he has not received. Further, Petitioner requests that this Court grant him a 30 day extension of time in which to respond to the Government's motion in opposition from the date that he receives the Government's reply.

**DISCUSSION**

On February 25, 2020, this Court ordered the Government to file its answer to Petitioner's motion by March 20, 2020. Further, this Court ordered Perez to file his response by April 27, 2020. Allegedly, the Government filed its motion in opposition on March 23, 2020. However, Perez had never received the Government's response as of this date. This made it virtually impossible for him to respond to the Government's motion by April 27, 2020.

On May 11, 2020, this Court ordered Perez to respond to the Government's motion in opposition by June 15, 2020, since this Court never received Perez's response by the April 27, 2020 deadline.

There are two reasons why Perez has not responded to the Government's motion in opposition. (1) That the Federal Bureau of Prisons has been on a Nation-wide lockdown since April 1, 2020, due to the COVID-19 pandemic, which prohibited Perez from accessing any legal materials to prepare and adequate response brief, and (2) more importantly, he has still never received the Government's motion in opposition, which makes it impossible for him to respond to a motion that he has never received.

**CONCLUSION**

Therefore, for the reasons set forth above, Petitioner Perez respectfully requests that this Court issue and order to the Government or the Court Clerk's Office to provide Petitioner with a copy of the Government's motion in opposition and to grant an additional 30 day extension of time in which Petitioner file his response to the Government's motion.

Respectfully Submitted,



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Application denied as moot. By order dated June 11, 2020, the Court granted Petitioner an extension of time until September 15, 2020 and directed the Government to mail a copy of its opposition to Petitioner by June 18, 2020. 16-cr-656, Dkt. No. 748; 19-cv-9129, Dkt. No. 15. Therefore, the Court has already granted the relief requested by Petitioner. The Government is directed to file by June 26, 2020 a letter confirming it has complied with the June 11, 2020 order.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppededge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail a copy of this order to Petitioner.  
SO ORDERED.

Dated: June 24, 2020



GREGORY B. WOODS  
United States District Judge